

## **REMARKS/ARGUMENTS**

### **Rejection of Claims 38 and 43 Under 35 U.S.C. § 112**

Claims 38 and 43 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, claim 38 was rejected for not having antecedent basis for "front and rear shells" contained in line 2 of the claim. Claim 43 was similarly rejected for not having antecedent basis for "front and rear shells" contained in line 2 of the claim. The rejection of claims 38 and 43 has been now obviated by amendment. In particular, in both claims 38 and 43, the language "front and rear shells" has now been amended to read "said shell" which has proper antecedent basis.

### **Rejection of Claim 35 Under 35 U.S.C. § 102(b)**

Claim 35 was rejected under 35 U.S.C. § 102(b) as being anticipated by Lang, et al. (DE 4,429,604) (also referred to as the '604 reference). In particular, the Examiner points out that the '604 reference discloses a head (1), a mount (24), a mirror (4), a molded thin external plastic shell (3), and a foam core (2). The Examiner's rejection of claim 35 has now been obviated by the cancellation of claim 35 without prejudice. It is respectfully requested that the rejection be withdrawn.

### **Rejection of Claims 46-49 and 57 Under 35 U.S.C. § 103(a)**

The Office Action rejected claims 46-49 and 57 under 35 U.S.C. § 103(a) as being unpatentable over Lang (DE 4,429,604) in view of Mittelhauser (DT 2740189) (also referred to as the '189 reference). It was stated that Lang discloses all of the

limitations of the invention except for the front and rear plastic shell. The Mittelhauser reference teaches that it is known to have a front and rear plastic shell having an overlapping butt joint.

Applicant respectfully traverses the 35 U.S.C. § 103(a) rejection of claims 46-49 and 57. With regard to the Mittlehauser reference, it should be noted that the reference is a disclosure that is "additive to" (the translation of the words "zusatz zu" on the front page of the application) the Mittlehauser published German patent application DE 2,732,489 (hereinafter referred to as the '489 reference). This means that the '489 reference should also be considered when assessing the teaching of the '189 reference.

In pertinent part, claim 46 of the present invention states "a foam core, said foam **anchoring and supporting** said front and rear shells." The specification addresses what is meant by "anchoring and supporting". On page 6, paragraph 41, the last sentence states "[t]he foam 21 is injected into the external plastic shell halves 50 and 60 and, when shared, bonds to the internal surfaces of the shell halves 50 and 60 to secure and support them." Further down on paragraph 44, it is stated "[t]he foam 18 and 25 used to fill the shells 17, 50 and 60 has adhesive properties which bond to the shells and thereby anchor them in position." It is very clear that it is the foam that holds the front and rear shells together and not the joint by itself.

With respect to the '189 reference, it should be noted that Exhibit A of this response to Office Action contains the German language with the approximate English translation for each of the translations mentioned below. A translation of page 1, paragraph 1 in pertinent part reads "...thereby the base at its inside with projections/leads provides the edge part by bending ductile, which projections/leads of the base exhibits **behind-seizing hooks, against whose back the edge of the mirror body firmly rests...**" Further down on page 2 of the '189 reference the first full

paragraph again states "...whereby the base at its inside provided with projections/leads and the edge part is equipped by bending the ductile projections/leads of the base behind-seizing hook, against **whose back the edge of the mirror body rests firmly.**" An examination of the figure of the '189 patent shows the edge part (5) wrapped around the edge of the base (3) with the mirror (6) abutting against and supporting the edge (5). This is more clearly shown in Figure 3 of the '489 reference. The patent teaches that the supporting edge is secured and anchored at the base by the mirror body firmly resting against it as opposed to foam.

Applicant points out that the butt joint in the '189 reference that is shown as encompassing portions of elements 5, 4 and 12 on the Figure does not indicate using foam for "anchoring and supporting" the front and rear shells as disclosed in claim 46 of the present application. It is maintained that neither the '189 reference nor the '489 reference teach or suggest using adhesive foam to bond the first and second pieces together. Applicant asserts that it is the mirror element (5) which anchors and supports the edge and base elements together and not the foam core as defined in claim 46 of the present application. This is clearly demonstrated by an examination of the '489 reference which in Figure 3 depicts the backing of the mirror (6) resting against hooks (12) which are pressed against the projections/leads (7) of the base (3) and are held in place by the back of the mirror (6) element. Additionally, none of the figures in the '189 or '489 references depict any type of foam material within the region of the butt joint.

It is further noted that the '604 reference does not in any way teach or suggest using foam to "anchor and support" the front and rear shells. The '604 reference only teaches a one piece molded plastic shell with foam bonded to the inside of the shell. Therefore, the '604 patent does not teach or suggest the requisite elements that are lacking from the '189 reference. It is respectfully requested that the Examiner withdraw

the 103 rejection of claim 46 and each of the claims dependent thereon (i.e., claims 47-49) and allow the claims.

With respect to claim 57, in pertinent part claim 57 states "...a foam core, the foam **anchoring and supporting** the shell." The specification addresses what is meant by "anchoring and supporting". On page 6, paragraph 41, the last sentence states "[t]he foam 21 is injected into the external plastic shell halves 50 and 60 and, when shared, bonds to the internal surfaces of the shell halves 50 and 60 to secure and support them." Further down on paragraph 44, it is stated "[t]he foam 18 and 25 used to fill the shells 17, 50 and 60 has adhesive properties which bond to the shells and thereby anchor them in position." It is very clear that it is the foam that holds the front and rear shells together and not the joint by itself.

Once again, the '189 reference fails to teach the use of foam for anchoring and supporting the shell. Recall that the '189 reference, on page 1, paragraph 1 in pertinent part reads "...thereby the base at its inside with projections/leads provides the edge part by bending ductile, which projections/leads of the base exhibits **behind-seizing hooks, against whose back the edge of the mirror body firmly rests...**" Further down on page 2 of the '189 reference the first full paragraph again states "...whereby the base at its inside provided with projections/leads and the edge part is equipped by bending the ductile projections/leads of the base behind-seizing hook, against **whose back the edge of the mirror body rests firmly**." An examination of the figure of the '189 patent shows the edge part (5) wrapped around the edge of the base (3) with the mirror (6) abutting against and supporting the edge (5). This is more clearly shown in Figure 3 of the '489 reference. Applicant suggests that clearly the supporting edge is secured to the base by the mirror body firmly resting against it as opposed to foam.

Applicant points out that the butt joint in the '189 reference that is shown as encompassing portions of elements 5, 4 and 12 on the Figure does not indicate using foam for "anchoring and supporting" the front and rear shells as disclosed in claim 57 of the present application. It is maintained that neither the '189 reference nor the '489 reference teach or suggest using adhesive foam to bond the first and second pieces together. Applicant asserts that it is the mirror element (5) which anchors and supports the edge and base elements together and not the foam core as defined in claim 57 of the present application. This is clearly demonstrated by an examination of the '489 reference which in Figure 3 depicts the backing of the mirror (6) resting against hooks (12) which are pressed against the projections/leads (7) of the base (3) and are held in place by the back of the mirror (6) element. Additionally, none of the figures in the '189 or '489 references depict any type of foam material within the region of the butt joint.

It is further noted that the '604 reference does not in any way teach or suggest using foam to "anchor and support" the front and rear shells. The '604 reference only teaches a one piece molded plastic shell with foam bonded to the inside of the shell. Therefore, the '604 patent does not teach or suggest the requisite elements that are lacking from the '189 reference. It is respectfully requested that the Examiner remove the 103 rejection of claim 57 and each of the claims dependent thereon (i.e., claims 58-62) and allow the claims.

#### **Allowable Matter**

Applicant kindly thanks Examiner Wood for indicating that claims 41, 42, 44, 45 and 64-70 have been determined to be allowable subject matter. Furthermore, Applicant thanks Examiner Wood for indicating that claims 36, 37, 39, 40, 50-56, 58-63 would be allowable if rewritten in independent form. Applicant has added new claims

71-83 which are based on the objected claims. The independent base claim from which claims 36, 37, 39, 40, 50-56, 58-63 is presently subject to traversal of the rejection made in the Office Action, therefore, these claims have NOT been canceled. Additionally, Applicant thanks Examiner Wood for indicating that claim 43 would be allowable if rewritten to overcome the 35 U.S.C. § 112, second paragraph, rejection as set forth above. Applicant indicates that the rejection has now been obviated by amendment and respectfully requests allowance of claim 43.

### **CONCLUSION**

It is respectfully submitted that in view of the above amendments and remarks, Applicant submits that the pending claims are properly allowable, which allowance is respectfully requested.

The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 364-4300 if any unresolved matters remain.

Please send all future correspondence relating to this application to Warn, Burgess & Hoffmann, P.C., P.O. Box 70098, Rochester Hills, MI 48307.

Respectfully submitted,

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